

CONSENT FOR ACCESS TO PROPERTY

NAME OF PROPERTY OWNER: Fernandez Co LPD
ADDRESS/TELEPHONE: 505-287-2911
LOCATION OF PROPERTY: Johnny M. mine site
PURPOSE OF CONSENT: Give access to NMED to perform CERCLA activities needed for investigation and remediation of Grants Mining District

This is my consent and authorization to the New Mexico Environment Department officers, employees, contractors, and authorized representatives (all collectively NMED) for entry and continued access to the above-described property for the following purposes:

1. To collect surface and subsurface soil and sediment samples to test for contamination from hazardous substances and to determine subsurface lithology;
2. To collect samples of waste materials;
3. To conduct subsurface borings and install ground water monitor wells;
4. To draw samples periodically from the wells and sample any liquids on the surface or in the subsurface to test for contamination from hazardous substances and ground water parameters needed to evaluate contaminant migration; and
5. To install and maintain remediation systems; and
6. To collect other information NMED may need to determine if the site poses a significant threat to public health or the environment.

The Department will choose locations for samples, soil borings, monitor wells, and remediation systems; the Department will give the Owner an opportunity to comment on the location of borings or wells, and will take the comments into account where possible.

It has been explained to me that NMED will bring equipment and related vehicles onto my property at various times. Upon completion of each phase of activity, NMED will promptly remove all equipment from the property. Except during activities where heavy equipment on-site may create obstructions, nothing installed on Property will interfere with the movement of vehicles; nor will any installation impede building ingress or egress, or interfere with Owner activities. Holes made in pavement will be patched with asphalt or concrete patch. In paved areas, monitor wells will be completed at-grade. This consent is given with the understanding that NMED will act in a reasonable manner consistent with its investigation or remediation requirements.

This access shall continue indefinitely until NMED completes the CERCLA activities pertaining to the site. The Owner shall give the NMED at least thirty (30) days prior notice if during the pendency of this consent, the Owner determines to build in a location occupied by NMED's wells or remediation system. The Owner's notice may be given orally to David L. Mayerson at (505) 476-3777 or the current Grants Mining District site project manager for the Ground Water Quality Bureau Superfund Oversight Section at (505) 827-2908.

I understand that these actions by NMED are undertaken pursuant to its responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Sections 9604, 9606, 9611, and 9619; the New Mexico Department of Environment Act, NMSA 1978, Section 9-7A-1 *et seq*; the New Mexico Environmental Improvement Act, NMSA 1978, Sections 74-1-1 *et seq.*, the New Mexico Hazardous Waste Act, NMSA 1978, Sections 74-4-1 *et seq.*, and the New Mexico Water Quality Act, NMSA 1978, Sections 74-6-1 *et seq.*

My consent is given by me voluntarily after having had a chance to ask questions and having had all my questions answered to my satisfaction and with knowledge of my right to refuse to give consent voluntarily. I understand that I may revoke my consent at any time upon giving 10 days written notice via certified mail to David L. Mayerson or the current Grants Mining District site project manager at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502-5469.

Signed: [Signature]
Name: Harry F Lee

Date: 10-27-10